Issuance Date: October 6, 2008
Effective Date: November 1, 2008
Expiration Date: October 31, 2013
Modification Date: October 20, 2008

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0037953

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1342 et seq.

McFarland Cascade Pole and Lumber Company
P.O. Box 1469
Tacoma, WA 98401

Facility Location: 1640 Marc Street Tacoma, WA 98421	Receiving Water: Outfall 001: Blair Waterway via Lincoln Ave. Ditch Outfall 002: Puyallup River
Water Body I.D. No.: Outfall 001: WA-10-0020 Outfall 002: WA-05-1003	Discharge Location: Outfall 001: Latitude: 47° 15’ 18” N Longitude: 122° 24’ 30” W Outfall 002: Latitude: 47° 15’ 20” N Longitude: 122° 24' 51” W
Industry Type: SIC Code: 2491 – Wood Preserving	

is authorized to discharge in accordance with the special and general conditions which follow.

Garin Schrieve, P.E.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

TABLE OF CONTENTS

GENERAL CONDITIONS

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	December 30, 2008
S3.E	Noncompliance Notification	As necessary	
S4.A	Modified Operations and Maintenance Manual or Review Confirmation Letter	Annually	May 1, 2009
S4.A	Operations and Maintenance Manual	1/permit cycle	May 1, 2012, if no modifications have been submitted this permit cycle
S4.B	Reporting Bypasses	As necessary	
S5.C	Modified Solid Waste Control Plan	As necessary	Within 30 days of modification
S5.C	Solid Waste Control Plan	1/permit cycle	May 1, 2012, if no modifications have been submitted this permit cycle
S6.	Modified Spill Plan	As necessary	Within 30 days of modification
S6.	Spill Plan	1/permit cycle	May 1, 2012, if no modifications have been submitted this permit cycle
S7.	Quality Assurance Project Plan	1/permit cycle	December 31, 2008
S7.	Receiving Water Study	1/permit cycle	December 31, 2010
S8.C	Acute Toxicity Compliance Monitoring Reports for Outfalls 001 and 002	2/year (reports due April 30, and November 30 of each year)	Within 60 days after each subsequent sampling event. The first report is due April 30, 2009, (for the February sampling event).
S8.D	Acute Toxicity: "Causes and Preventative Measures for Transient Events."	As necessary	
S8.D	Acute Toxicity TI/TRE Plan	As necessary	

Modification Date: October 20, 2008

S8.E	Acute Toxicity Summary Report	1/permit cycle	May 1, 2012
S9.B	Chronic Toxicity Compliance Monitoring Reports	2/permit cycle	Summer Toxicity Testing Report no later than November 30, 2010 Winter Toxicity Testing Report no later than May 31, 2011
S9.B	Chronic Toxicity Summary Report	1/permit cycle	May 1, 2012
S10.A	Sediment Sampling and Analysis Plan	1/permit cycle	December 31, 2009
S10.B	Sediment Chemistry Analysis	1/permit cycle	May 1, 2011
S11.D	2,3,4,6-Trichlorophenol, Dioxin, and Furan Study Report	1/permit cycle	May 1, 2011
S12.	Outfall Evaluation	Annually	May 1, 2010
S13.B	Modified Stormwater Pollution Prevention Plan	As necessary	Within 30 days of modification
S13.B	Stormwater Pollution Prevention Plan	1/permit cycle	May 1, 2012, if no modifications have been submitted this permit cycle
S15.	Application for Permit Renewal	1/permit cycle	May 1, 2012
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Notice of Permit Transfer	As necessary	
G20.	Reporting Anticipated Non-compliance	As necessary	
G21.	Reporting Other Information	As necessary	

SPECIAL CONDITIONS

In this permit the word "must" denotes an action that is mandatory and is equivalent to the word "shall" used in previous permits.

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of that identified and authorized by this permit is a violation of the terms and conditions of this permit.

A. Process Wastewater Discharges

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee **must not discharge** process wastewater to the waters of the state.

Process wastewater is defined as: all wastewater generated as a result of conditioning wood prior to, or during, the treatment process; any wastewater generated as a result of preservative formulation, recovery, or regeneration; any wastewater generated as a result of process area cleaning operations including, but not limited to, wastewater from the drip pad, retort and tank farm maintenance operations; and any stormwater associated with the process area including the tank farm, retort, drip pad, and any other area across which the Permittee moves treated product prior to its having ceased dripping.

B. Treated Stormwater Discharge to Lincoln Avenue Ditch (Outfall 001)

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge treated stormwater collected primarily from the pentachlorophenol treated wood storage area to the Lincoln Avenue Ditch via the city of Tacoma Storm Sewer (Outfall 001) subject to meeting the following limitations:

EFFLUENT LIMITATIONS: OUTFALL #001

Parameter	Interim Maximum Daily Limit (effective November 1, 2008, to October 31, 2011) [a.]
Arsenic, µg/L [b.]	136
Chromium, µg/L [b.]	66
Copper, µg/L [b.]	159
Pentachlorophenol, µg/L	81
PAHs, µg/L	74
Oil and Grease, mg/L	10
TSS, mg/L	50
pH, standard units	Daily minimum is equal to, or greater than, 6.0 and the daily maximum is less than, or equal to 9.0.
Acute WET Toxicity Limit	Meet the acute WET toxicity limit as established in Special Condition S8.

[a.] The maximum daily effluent limitation is defined as the highest allowable daily discharge of a

pollutant measured during a calendar day. The daily discharge is the average measurement of the pollutant over the day. pH must not be averaged.
[b.] All metals are expressed as total recoverable metals.

Final effluent limits for Outfall 001 will be determined once the Receiving Water Study has been completed and a water quality analysis can be conducted. Washington State Department of Ecology (Ecology) reserves the right to modify this permit to establish final limits once they are determined.

C. Treated Stormwater Discharge to Puyallup River (Outfall 002)

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge treated stormwater collected primarily from the CCA and CA-B treated wood and white wood storage areas to the Puyallup River (Outfall 002) subject to meeting the following limitations:

EFFLUENT LIMITATIONS: OUTFALL #002

Parameter	Interim Maximum Daily Limit (effective November 1, 2008 to October 31, 2011) [a.]
Arsenic, µg/L [b.]	236
Chromium, µg/L [b.]	45
Copper, µg/L [b.]	156
Pentachlorophenol, µg/L	17.2
PAHs, µg/L	100
Oil and Grease, mg/L	10
TSS, mg/L	50
pH, s.u.	Daily minimum is equal to, or greater than, 6.0 and the daily maximum is less than, or equal to, 9.0.
Acute WET Toxicity Limit	Meet the acute WET toxicity limit as established in Special Condition S8.
[a.] The maximum daily effluent limitation is defined as the highest allowable daily discharge of a pollutant measured during a calendar day. The daily discharge is the average measurement of the pollutant over the day. pH must not be averaged.	
[b.] All metals are expressed as total recoverable metals.	

Final effluent limits for Outfall 002 will be determined once the Receiving Water Study has been completed and a water quality analysis can be conducted. Ecology reserves the right to modify this permit to establish final limits once they are determined.

D. Outfall 002 Bypasses

Bypasses of Outfall 002 are authorized for discharge to the Puyallup River only when onsite stormwater equalization capacity and the stormwater treatment system for the drainage are for Outfall 002 are overwhelmed by storm event(s). In such bypass events, monitoring shall be completed in accordance with Special Condition S2.A.2., of this permit.

E. Mixing Zone Descriptions

The maximum boundaries of the mixing zones are defined as follows:

Outfall 001

A dilution factor of 9.0 to 1 has been established based on a ratio of total stormwater drainage area for the city of Tacoma Stormwater Outfall to Blair Waterway via Lincoln Avenue Ditch and the contribution of McFarland Cascade Pole and Lumber Company's (MCPLC's) 001 drainage area. There is no mixing zone established for the discharge entering the Blair Waterway.

Outfall 002

Acute Mixing Zone: A dilution of 10.0 to 1 is authorized. This dilution was determined to be 1.25 percent of the 7Q10 Puyallup River flow. At the critical condition (7Q10 river flow), the mixing zone shall not occupy more than 25 percent of the river width or extend in any horizontal direction from the discharge port a distance greater than $1/10^{th}$ of the sum of two hundred feet plus the depth of water over the discharge port(s) as measured or calculated during mean lower low water level with river flow at the 7Q10.

Chronic Mixing Zone: A dilution of 89.0 to 1 is authorized. This dilution was determined to be 12.5 percent of the 7Q10 Puyallup River flow. At the critical condition (7Q10 river flow), the mixing zone shall not occupy more than 25 percent of the river width or extend in any horizontal direction from the port a distance greater than the sum of two hundred feet plus the depth of water over the discharge port(s) as measured or calculated during mean lower low water level with river flow at the 7Q10.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule

1. The Permittee must monitor in accordance with the following schedule:

Category	Parameter	Units	Sample Point [1]	Minimum Sampling Frequency [2]	Sample Type [3]
Stormwater Effluent	Arsenic [4, 5]	µg/L	Outfalls 001 & 002	Monthly	Grab
Stormwater Effluent	Chromium [4, 5]	µg/L	Outfalls 001 & 002	Monthly	Grab
Stormwater Effluent	Copper [4, 5]	µg/L	Outfalls 001 & 002	Monthly	Grab
Stormwater Effluent	Pentachlorophenol [4, 5]	µg/L	Outfalls 001 & 002	Monthly	Grab
Stormwater Effluent	Total PAHs [6]	µg/L	Outfalls 001 & 002	Monthly	Grab
Stormwater Effluent	Total Suspended Solids [4, 5]	mg/L	Outfalls 001 & 002	Monthly	Grab

Stormwater Effluent	Turbidity	NTU	Outfalls 001 & 002	Monthly	Grab
Stormwater Effluent	Oil and Grease [4, 5]	mg/L	Outfalls 001 & 002	Monthly	Grab
Stormwater Effluent	pH	s.u.	Outfalls 001 & 002	Monthly	Grab
Stormwater Effluent	Flow	gpm	Outfalls 001 & 002	Monthly	Metered
Category	**Parameter**	**Units**	**Sample Point [1]**	**Minimum Sampling Frequency [2]**	**Sample Type [3]**
City Storm Sewer[7]	Arsenic [4, 5]	µg/L	Upstream of Lincoln Ave Ditch Outfall	Bi-monthly for the first two years, then on a quarterly basis [8, 9]	Grab
City Storm Sewer [7]	Chromium [4, 5]	µg/L	Upstream of Lincoln Ave Ditch Outfall	Bi-monthly for the first two years, then on a quarterly basis [8, 9]	Grab
City Storm Sewer [7]	Copper [4, 5]	µg/L	Upstream of Lincoln Ave Ditch Outfall	Bi-monthly for the first two years, then on a quarterly basis [8, 9]	Grab
City Storm Sewer [7]	Pentachlorophenol [4, 5]	µg/L	Upstream of Lincoln Ave Ditch Outfall	Bi-monthly for the first two years, then on a quarterly basis [8, 9]	Grab
City Storm Sewer [7]	Turbidity	NTU	Upstream of Lincoln Ave Ditch Outfall	Bi-monthly for the first two years, then on a quarterly basis [8, 9]	Grab
City Storm Sewer [7]	Conductivity	µmhos/cm	Upstream of Lincoln Ave Ditch Outfall	Bi-monthly for the first two years, then on a quarterly basis [8, 9]	Grab
City Storm Sewer [7]	pH	s.u.	Upstream of Lincoln Ave Ditch Outfall	Bi-monthly for the first two years, then on a quarterly basis [8, 9]	Grab

Acute Toxicity Testing (as per Special Condition S8.)

Chronic Toxicity Testing (as per Special Condition S9.)

Sediment Chemistry Analyses (as per Special Condition S10.)

1. Samples from Outfalls 001 and 002 are to be sampled and tested separately, not combined.

2. If the Permittee is unable to collect a sample due to insufficient rainfall, lack of a qualifying rain event, or due to adverse climatic conditions, the Permittee must submit in lieu of sampling data an explanation of why samples were not collected. Adverse climatic conditions that may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel or otherwise make collection of a sample impracticable.

3. A grab sample is an individual discreet sample.

4. The method detection level (MDL) for arsenic is 1.4 µg/L using inductively coupled plasma mass-spectrometry (ICP-MS) and method number 200.8 from 40 CFR Part 136. The quantitation level (QL) for arsenic is 7.0 µg/L (5 x MDL).

   The MDL for chromium is 0.9 µg/L using ICP-MS and method number 200.8 from 40 CFR Part 136. The quantitation level (QL) for chromium is 4.5 µg/L (5 x MDL).

   The MDL for copper is 0.5 µg/L using ICP-MS and method number 200.8 from 40 CFR Part 136. The

quantitation level (QL) for copper is 2.5 µg/L (5 x MDL).

The MDL for pentachlorophenol is 0.59 µg/L using GC/ECD and method number 604 from 40 CFR Part 136. The quantitation level (QL) for pentachlorophenol is 2.95 µg/L (5 x MDL).

Oil and Grease and TSS must be measured using approved methods (40 CFR Part 136).

5. If the measured effluent concentration is below the QL, the Permittee must report less than QL and include the QL for the method used.

6. Total polynuclear aromatic hydrocarbons (PAHs) are defined as the summation of the 16 following PAHs:

Napthalene	Acenaphthylene
Acenaphthene	Fluorene
Phenanthrene	Anthracene
Fluoranthene	Pyrene
Benzo(a)anthracene	Chrysene
Benzo(b)fluoranthene	Benzo(k)fluoranthene
Benzo(a)pyrene	Dibenzo(a,h)anthracene
Benzo(g,h,i)perylene	Indeno(1,2,3-cd)pyrene

Each of the 16 priority pollutant PAHs identified above, must be quantified and reported separately using EPA Method 610, HPLC option with UV and fluorescence detection, or other equivalent approved method. The 16 individual PAHs must be summed to arrive at a Total PAH value. A non-detect value may be reported as zero for the purposes of determining compliance with the Total PAH limitation.

7. The desired sampling location is to be within the city of Tacoma storm sewer at, or immediately upstream, of the confluence with the Lincoln Avenue Ditch receiving water body, as accessible. Sampling must be conducted on the same date, **but after samples are collected for Outfall 001**.

8. The sampling frequency shall be once **every two months** for the first two years of the permit term. Samples collected thereafter would be on a quarterly basis.

9. The first quarter is defined as January, February, March; the second quarter is defined as April, May, June; the third quarter is defined as July, August, September; the fourth quarter is defined as October, November, December.

2. The Permittee must submit a bypass monitoring report to Ecology **within 30 days of the bypass**. The Permittee must monitor any bypass of stormwater discharge to the Puyallup River via Outfall 002 according to the following schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency [1]	Sample Type [2]
Bypass	Arsenic [3, 4]	µg/L	Outfall 002	Each Bypass	Grab
Bypass	Chromium [3, 4]	µg/L	Outfall 002	Each Bypass	Grab
Bypass	Copper [3, 4]	µg/L	Outfall 002	Each Bypass	Grab
Bypass	Pentachlorophenol [3, 4]	µg/L	Outfall 002	Each Bypass	Grab
Bypass	Total PAH [5]	µg/L	Outfall 002	Each Bypass	Grab
Bypass	TSS [4]	mg/L	Outfall 002	Each Bypass	Grab
Bypass	Turbidity	NTU	Outfall 002	Each Bypass	Grab
Bypass	Oil and Grease [4]	mg/L	Outfall 002	Each Bypass	Grab
Bypass	pH	s.u.	Outfall 002	Each Bypass	Grab
Bypass	Flow	gpm	Outfall 002	Each Bypass	Measured or Estimated

Bypass	Duration	hours	Outfall 002	Each Bypass	Measured or Estimated
Bypass	Date(s) of Bypass	date	Outfall 002	Each Bypass	Records
Bypass	24-hour rainfall	inches	Outfall 002	Each Bypass	Records
1. Samples must be collected upon release of bypass at Outfall 002.					
2. A grab sample is an individual, discrete sample.					
3. The analytical methods and detection levels are defined in footnote 4 of Special Condition S2.A.1.					
4. If the measured effluent concentration is below the QL, the Permittee must report less than QL and include the QL for the method used.					
5. Total polynuclear aromatic hydrocarbons (PAHs) are defined in footnote 6 of Special Condition S2.A.1.					

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit must be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

C. Flow Measurement

The Permittee must select and use appropriate flow measurement devices and methods consistent with accepted scientific practices. The Permittee must install, calibrate, and maintain the flow devices. This work is necessary to ensure that the accuracy of the measurements are consistent with the accepted industry standard and the manufacturers recommendation for that type of device. The Permittee must perform calibration at the frequency recommended by the manufacturer and at a minimum frequency of at least one calibration per year. The Permittee must maintain calibration records for at least three years.

D. Laboratory Accreditation

All monitoring data required by Ecology must be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 Washington Administrative Code (WAC). Flow, temperature, settleable solids, conductivity, pH, turbidity, and internal process control parameters are exempt from this requirement. Conductivity and pH must be accredited if the laboratory must otherwise be registered or accredited. Ecology exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee must monitor and report in accordance with the following conditions. The falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results must be submitted monthly. Monitoring data obtained during each monitoring period must be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by Ecology. DMR forms must be postmarked or received no later than the 30th day of the month following the completed monitoring period, unless otherwise specified in this permit. Unless otherwise specified, all toxicity test data must be submitted within 60 days after the sample date. The report(s) must be sent to:

Industrial Unit Permit Coordinator
Department of Ecology
Southwest Region Office
P.O. Box 47775
Olympia, WA 98504-7775

All laboratory reports providing data for organic and metal parameters must include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected. Analytical results from samples sent to a contract laboratory must have information on the chain of custody, the analytical method, QA/QC results, and documentation of accreditation for the parameter.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of three years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention must be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee must record the following information:

(1) the date, exact place, method, and time of sampling or measurement;
(2) the individual who performed the sampling or measurement;
(3) the dates the analyses were performed;
(4) the individual who performed the analyses;
(5) the analytical techniques or methods used; and

(6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring must be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Notice of Noncompliance Reporting

The permittee must take the following action upon violation of any permit condition: Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem and, if applicable, immediately repeat sampling and analysis. The results of any repeat sampling must be submitted to Ecology within 30 days of sampling.

1. Twenty four hour Noncompliance Notification

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at 360-407-6300, within 24-hours from the time the Permittee becomes aware of any of the following circumstances:

a. any noncompliance that may endanger health or the environment;

b. any unanticipated **bypass** that exceeds any effluent limitation in the permit (See Part S4.B., "Bypass Procedures");

c. any **upset** that exceeds any effluent limitation in the permit (See G15, "Upset");

d. any violation of a maximum daily or instantaneous maximum discharge limitation for any of the pollutants in Section S1.A, B, or C of this permit; or

e. any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limitation in the permit.

2. Report within Five Days

The Permittee must also provide a written submission within five days of the time that the Permittee becomes aware of any event required to be reported under subparts 1, above. The written submission must contain:

a. a description of the noncompliance and its cause;

b. the period of noncompliance, including exact dates and times;

c. the estimated time noncompliance is expected to continue if it has not been corrected;

d. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and

e. if the non compliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

3. Waiver of Written Reports

Ecology may waive the written report required in subpart 3 above on a case-by-case basis upon request if a timely oral report has been received.

4. Report Submittal

Reports must be submitted to the address in S3. ("REPORTING AND RECORDKEEPING REQUIREMENTS").

F. Other Noncompliance Reporting.

The Permittee must report all instances of noncompliance, not required to be reported immediately or within 24-hours, at the time that monitoring reports for S3.A ("Reporting") are submitted. The reports must contain the information listed in paragraph E.2 above. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

The spill of oil or hazardous materials **must** be reported in accordance with the instructions obtained at the following website:
http://www.ecy.wa.gov/programs/spills/other/reportaspill.htm

G. Maintaining a Copy of This Permit

A copy of this permit must be kept at the permitted facility and be made available upon request to Ecology inspectors.

S4. OPERATION AND MAINTENANCE

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

The O&M Manual must be reviewed by the Permittee at least annually and the Permittee must submit to Ecology for approval an updated O&M Manual in accordance with WAC 173-240-150 or confirm this review by letter (submitted to Ecology) stating that the O&M Manual is up to date. The first review confirmation letter must be submitted **no later than May 1, 2009, and annually thereafter**. Substantial changes or updates to the O&M Manual must be submitted to Ecology whenever they are incorporated into the

manual. If no modifications to the O&M Manual have been made during this permit cycle, then the Permittee must review and update the O&M Manual and submit it to Ecology **no later than May 1, 2012**.

The approved Operations and Maintenance Manual must be kept available at the permitted facility and all operators are responsible for being familiar with, and using, this manual.

The O&M Manual must conform to the requirements of WAC 173-240-150. In addition to the requirements of WAC 173-240-150(1) and (2), the manual must include:

1. Treatment system operational controls and monitoring schedule;

2. Emergency procedures for plant shutdown and cleanup in event of wastewater system upset or failure;

3. Stormwater treatment system operations and maintenance procedures including, but not limited to, mixed media filters and granulated activated carbon filters which include schedules and procedures for filter media replacement and disposal; and pH sensor/controller system including frequency and procedure for regular calibration.

4. Maintenance procedures and schedules for all oil/water separators and/or oil skimming equipment on site;

5. Maintenance procedures and schedules for all catch basins, catch basin inserts, and catch basin filter fabrics;

6. The procedure for allowing a bypass, resulting from a severe storm and associated monitoring and reporting (as per Special Condition S3.) must be described in the Plan; and

7. A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to waters of the State and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable or the bypass is authorized under Special Condition S1.D of this permit.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or

adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least ten days before the date of the bypass.

2. Bypass which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

Ecology is properly notified of the bypass as required in condition S3.E of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee must notify Ecology at least 30 days before the planned date of bypass. The notice must contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above must be considered during preparation of the engineering report or facilities plan and plans and specifications and must be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

Ecology will consider the following prior to issuing an administrative order for this type of bypass:

a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public must be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under Revised Code of Washington (RCW) 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee must submit all proposed revisions or modifications to the solid waste control plan to Ecology. The Permittee must comply with any modifications to the Solid Waste Control Plan. Changes to the Plan must be sent to Ecology **within 30 days of the modification**. If no modifications to the Solid Waste Control Plan have been made

during this permit cycle, then the Permittee must review and update the Solid Waste Control Plan and submit it to Ecology **no later than May 1, 2012**.

S6. SPILL PLAN

The Permittee must review the existing Spill Control Plan at least annually and update the Spill Control Plan as needed. Changes to the Plan must be sent to Ecology **within 30 days of the modification**. The Spill Control Plan and any supplements must be followed throughout the term of the permit. If no modifications to the Spill Control Plan have been made during this permit cycle, then the Permittee must review and update the Spill Control Plan and submit it to Ecology **no later than May 1, 2012**.

The Spill Control Plan must include the following:

- A description of operator training to implement the plan.
- A description of the reporting system which will be used to immediately alert facility managers and legal authorities (i.e. Department of Ecology and US Coast Guard) in the event of a spill or unpermitted discharge.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills or unpermitted discharges. The use of dispersants and emulsifiers are prohibited without specific approval from the Director of the Department of Ecology.
- Address the prevention, containment, and control of spills or unplanned discharges of: (1) oil and petroleum products, (2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous Waste (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or (3) other materials which may become pollutants or cause pollution upon reaching the waters of the State.
- Plans and manuals required by 40 CFR Part 112, contingency plans required by Chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

The Plan and any supplements must be followed throughout the term of the permit. The Spill Control Plan must be kept on site and made available upon request. For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S7. RECEIVING WATER STUDY (PUYALLUP RIVER AND LINCOLN AVENUE DITCH)

The Permittee must collect samples to represent conditions for at least ten different days for the effluent, and for the Puyallup River and Lincoln Avenue Ditch upstream from the discharge location. The Permittee must take into account various receiving water flow conditions and worst case tidal conditions (high tide and slack tide). This information will be used to determine final

effluent limits. The Permittee may elect to use the data from their 1998 Receiving Water Study. If the Permittee chooses to do so, they must still collect samples to represent conditions for at least eight different days for the effluent and receiving waters.

A. Samples shall be analyzed in accordance with the schedule as outlined in subsections S7.B and S7.C.

Quality Assurance Project Plan: The Permittee must submit a sampling and quality assurance project plan (QAPP) for Ecology review and approval **by December 31. 2008**. The Permittee must conduct all sampling and analysis in accordance with the guidelines given in ***Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies***, Ecology Publication 04-03-030 (http://www.ecy.wa.gov/pubs/0403030.pdf).

Receiving Water Study Results Report: The Permittee must submit the results of the study to Ecology **by December 31, 2010**.

B. Monitored Parameters – effluent:

1. Samples collected for the effluent must coincide with the times samples are collected for the receiving water. The Permittee must conduct all chemical analysis according to methods given in 40 CFR 136 (as identified below).

Parameter	Required Test Method	Required Method Detection Limit
Total suspended solids	EPA 160.2	2 mg/L
Hardness	EPA 130.2	30 µg/L
pH	EPA 150.1	
Temperature	EPA 170.1	
Conductivity		
Total Recoverable Copper	EPA 200.8	0.5 µg/L

2. The Permittee must follow the clean sampling techniques (*Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels*, EPA Publication No. 821-R-95-034, April 1995).

C. Monitored Parameters – receiving water:

1. The Permittee must conduct all chemical analysis according to methods given in 40 CFR 136 (as identified below).

Parameter	Required Test Method	Required Method Detection Limit
Total suspended solids	EPA 160.2	2 mg/L
Hardness	EPA 130.2	30 µg/L
pH	EPA 150.1	
Temperature	EPA 170.1	
Conductivity		
Dissolved Copper	EPA 200.8	0.5 µg/L
Total Recoverable Copper	EPA 200.8	0.5 µg/L

2. The time of sampling must be as close as possible to the time of critical period.

3. The Permittee must follow the clean sampling techniques (*Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels*, EPA Publication No. 821-R-95-034, April 1995).

4. The sampling station accuracy requirements must be ± 10 meters or less.

5. The receiving water sampling location should be outside the zone of influence of the effluent and upstream of the discharge outfall.

S8. ACUTE TOXICITY FOR OUTFALLS 001 & 002

A. Effluent Limit for Acute Toxicity

The effluent limit for acute toxicity is:

No acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the acute mixing zone, defined in Special Condition S1.D of this permit. The ACEC for Outfall 001 equals 11 percent effluent and for Outfall 002 equals 10 percent.

B. Compliance With the Effluent Limit for Acute Toxicity

Compliance with the effluent limit for acute toxicity means the results of the testing specified in subsection C show no statistically significant difference in survival between the control and the ACEC.

If the test results show a statistically significant difference in survival between the control and the ACEC, the test does not comply with the effluent limit for acute toxicity. The Permittee must then immediately conduct the additional testing described in subsection D. The Permittee will comply with the requirements of this section by meeting the requirements of subsection D.

The Permittee must determine the statistical significance by conducting a hypothesis test at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10 percent, the Permittee must conduct the hypothesis test at the 0.01 level of significance.

C. Compliance Testing for Acute Toxicity

The Permittee must:

- Perform the acute toxicity tests with 100 percent effluent, **the ACEC**, and a control, as part of the full dilution series.
- Submit a written report of all test results to Ecology **within 60 days after each sample date**.

The Permittee must perform compliance tests **once during each of the following months: February and September of each year** using each of the species and protocols listed below on an annually rotating basis (each rotation must represent dry weather and wet weather conditions) for both Outfalls 001 and 002:

Outfall 001:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA-821-R-02-012).

2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA-821-R-02-012).

Outfall 002:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA-821-R-02-012).

2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA-821-R-02-012).

3. Rainbow trout, *Oncorhynchus mykiss* (96 hour static-renewal test, method: EPA-821-R-02-012).

D. Response to Noncompliance with the Effluent Limit for Acute Toxicity

If a toxicity test conducted under subsection C determines a statistically significant difference in response between the ACEC and the control, using the statistical test described in subsection B, the Permittee must begin additional testing within one week from the time of receiving the test results.

The Permittee must test the next four discharge events using the same test and species as the failed compliance test. To determine appropriate point estimates, the Permittee must test at least five effluent concentrations and a control. **One of these effluent concentrations must equal the ACEC**. The results of the test at the ACEC will determine compliance with the effluent limit for acute toxicity as described in subsection B. The Permittee must return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

Anomalous test results: If a toxicity test conducted under subsection C. indicates noncompliance with the acute toxicity limit and the Permittee believes that the test result is anomalous, the Permittee may notify Ecology that the compliance test result may be anomalous. The Permittee may take one additional sample for toxicity testing and wait for notification from Ecology before completing the additional testing. The Permittee must submit the notification with the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous.

If Ecology determines that the test result was not anomalous, the Permittee must complete all of the additional monitoring required in this subsection. Or,

If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee must complete all of the additional monitoring required in this subsection. Or,

If Ecology determines that the test result was anomalous, the one additional test result will replace the anomalous test result.

If all of the additional testing complies with the permit limit, the Permittee must submit a report to Ecology on possible causes and preventive measures for the transient toxicity event, which triggered the additional compliance monitoring. This report must include a search of all pertinent and recent facility records, including:

- Operating records
- Monitoring results
- Inspection records
- Spill reports
- Weather records
- Production records
- Raw material purchases
- Pretreatment records, etc.

If the additional testing shows violation of the acute toxicity limit, the Permittee must submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to Ecology **within 60 days after the sample date** (WAC 173-205-100(2)).

E. Sampling and Reporting Requirements

1. The Permittee must submit all reports for toxicity testing in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data in electronic format for entry into Ecology's database, then the Permittee must send the data to Ecology along with the test report, bench sheets, and reference toxicant results.

2. The Permittee must collect grab samples for toxicity testing. The Permittee must cool the samples to 0 - 6 degrees Celsius during collection and send them to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was completed.

3. The laboratory must conduct water quality measurements on all samples and test solutions for toxicity testing, as specified in the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*.

4. All toxicity tests must meet quality assurance criteria and test conditions specified in the most recent versions of the EPA methods listed in subsection B and Ecology of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If Ecology determines any test results to be invalid or anomalous, the Permittee must repeat the testing with freshly collected effluent.

5. The laboratory must use control water and dilution water meeting the requirements of the EPA methods listed in subsection C or pristine natural water of sufficient quality for good control performance.

6. The Permittee may sample receiving water at the same time as the effluent and instruct the lab to measure the hardness of both and increase the hardness of the effluent sample to match the hardness of the receiving water sample prior to beginning the toxicity test. Otherwise, the Permittee must conduct whole effluent toxicity tests on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance testing in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. **The series of concentrations must include the acute critical effluent concentration (ACEC)**. The ACEC for Outfall 001 equals 11 percent effluent and for Outfall 002 equals 10 percent.

8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing must comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020. If the test does not meet the power standard, the Permittee must repeat the test on a fresh sample with an increased number of replicates to increase the power.

9. Reports of individual characterization or compliance test results must be submitted to Ecology **within 60 days after each sample date (April 30, and November 30)**.

10. The Acute Toxicity Summary Report must be submitted to Ecology **no later than May 1, 2012.**

S9. CHRONIC TOXICITY FOR OUTFALL 002

A. Testing Requirements

The Permittee must:

- Conduct chronic toxicity testing for Outfall 002 once during the summer prior to submission of the permit application **no later than September 30, 2010**; and once during the winter prior to submission of the permit application **no later than January 31, 2011**.

- Submit the results to Ecology with the permit renewal application.

- Conduct chronic toxicity testing on a series of at least five concentrations of effluent and a control. The series of dilutions **must include the acute critical effluent concentration (ACEC)**. The ACEC equals 10 percent effluent.

- Compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Perform chronic toxicity tests with all of the following species and the most recent version of the following protocols:

Freshwater Chronic Test	**Species**	**Method**
Fathead minnow	*Pimephales promelas*	EPA-821-R-02-013
Water flea	*Ceriodaphnia dubia*	EPA-821-R-02-013
Alga	*Selenastrum capricornutum/ Raphidocelis subcapitata*	EPA-821-R-02-013

B. Sampling and Reporting Requirements

1. The Permittee must submit all reports for toxicity testing in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. Reports must contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data in electronic format for entry into Ecology's database, then the Permittee must send the data to Ecology along with the test report, bench sheets, and reference toxicant results.

2. The Permittee must collect grab samples for toxicity testing. The Permittee must cool the samples to 0 - 6 degrees Celsius during collection and send them to the lab immediately upon completion. The lab must begin the toxicity testing as soon as possible but no later than 36 hours after sampling was completed.

3. The laboratory must conduct water quality measurements on all samples and test solutions for toxicity testing, as specified in the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*.

4. All toxicity tests must meet quality assurance criteria and test conditions specified in the most recent versions of the EPA methods listed in subsection A and the Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If Ecology determines any test results to be invalid or anomalous, the Permittee must repeat the testing with freshly collected effluent.

5. The laboratory must use control water and dilution water meeting the requirements of the EPA methods listed in subsection A or pristine natural water of sufficient quality for good control performance.

6. The Permittee may sample receiving water at the same time as the effluent and instruct the lab to measure the hardness of both and increase the hardness of the effluent sample to match the hardness of the receiving water sample prior to beginning the toxicity test. Otherwise, the Permittee must conduct whole effluent toxicity tests on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance testing in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the CCEC and the ACEC. The CCEC and the ACEC may either substitute for the effluent concentrations that are closest to them in the dilution series or be extra effluent concentrations. The CCEC equals 1.1 percent effluent. The ACEC equals 10 percent effluent.

8. All whole effluent toxicity tests that involve hypothesis testing must comply with the chronic statistical power standard of 39 percent as defined in WAC 173-205-020. If the test does not meet the power standard, the Permittee must repeat the test on a fresh sample with an increased number of replicates to increase the power.

9. Reports of individual characterization or compliance test results must be submitted to Ecology **within 60 days after each sample date (due no later than November 30, 2010, and May 31, 2011)**.

10. The Chronic Toxicity Summary Report must be submitted to Ecology **no later than May 1, 2012**.

S10. SEDIMENT MONITORING

A. Sediment Sampling and Analysis Plan

The Permittee must submit to Ecology for review and approval a Sediment Sampling and Analysis Plan for a second round of sediment monitoring postmarked **no later than December 31, 2009**. The purpose of the plan is to recharacterize sediment (the nature and extent of chemical contamination) quality in the vicinity of the Permittee's Bypass to Outfall 002. The Permittee must follow the guidance provided in the *Sediment Source Control Standards User Manual, Appendix B: Sediment Sampling and Analysis Plan* (Ecology, 2008).

B. Sediment Data Report

The Permittee must conduct sediment sampling and analysis in accordance with the approved new Sediment Sampling and Analysis Plan. **Sampling and field work must occur during the year 2010**. A Sediment Data Report must be developed to present and summarize the findings of the sediment monitoring and provide any trends based on data collected previously. A Sediment Data Report must be submitted to Ecology **no later than May 1, 2011**. The Sediment Data Report must also include electronic copies of the sediment chemical data formatted according to Ecology's Sediment Quality Information System template.

S11. 2,3,4,6-TRICHLOROPHENOL, DIOXIN, AND FURAN STUDY

A. Sampling Requirements

1. Samples shall be collected during the wet weather season of 2010.

2. Grab samples of storm water runoff shall be collected from Outfalls 001, and 002, representative of the first measurable storm event (greater than 0.1 inches of rainfall) of the wet weather season. The wet weather season is defined as beginning the month of September for the purposes of this permit. In the event that the first storm event of the season does not produce sufficient runoff to sample, the first storm event of the season producing sufficient runoff shall be sampled. Sample collection, storage and analysis shall follow the protocols in Subsection S10.C (below).

B. Testing Requirements

The Permittee shall conduct chemical analyses of representative samples of storm water at Outfalls 001 and 002. The Permittee shall conduct chemical analyses in accordance with protocols, monitoring requirements, and QA/QC procedures specified in this section. Testing shall be consistent, or comparable, with the protocol used to develop the November 2005 Dioxin/Furan and 2,3,4,6-Tetrachlorophenol Testing Report.

Storm water samples shall be analyzed for:

2,3,4,6-Tetrachlorophenol

Dioxins:	Furans:
2,3,7,8-Tetrachlorodibenzo-p-dioxin	Tetrachlorodibenzofurans
Tetrachlorodibenzo-p-dioxins	Pentachlorodibenzofurans
Pentachlorodibenzo-p-dioxins	Hexachlorodibenzofurans
Hexachlorodibenzo-p-dioxins	Heptachlorodibenzofurans
Heptachlorodibenzo-p-dioxins	Octachlorodibenzofurans
Octachlorodibenzo-p-dioxins	

C. Protocols

1. Sampling for dioxins and furans shall be in accordance with appendix B of the USEPA/Paper Industry Cooperative Dioxin Screening Study (EPA 440/1-88-025, March 1988).

2. In accordance with 40 CFR 122.41(j)(4), Dioxins and furans shall be analyzed using either:

EPA Method 1613: Tetra- through Octa- chlorinated Dioxins and Furans by Isotope Dilution; or

NCASI Procedures for the Preparation and Isomer Specific Analysis of Pulp and Paper Industry Samples for 2,3,7,8-TCDD and 2,3,7,8-TCDF: Technical Bulletin No 551; or

An equivalent approved in writing in advance by the Department.

D. Reporting Requirements

Reporting of data shall be consistent, or comparable, with the protocol and format used to develop the November 2005 Dioxin/Furan and 2,3,4,6-Tetrachlorophenol Testing Report. The TEF calculations shall use the **WHO 2005 Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds** (Van den Berg, et al). Separate TEF calculations shall also be conducted using the WHO 1998 TEF values to compare results with the November 2005 Testing Report.

The Study shall include: quality assurance and quality control procedures for sample collection, transport and analysis dates, the magnitude and duration of the storm event sampled, the time since the last storm event and the magnitude of the last storm event. The Study shall be submitted **no later than May 1, 2011**.

S12. OUTFALL EVALUATION

The Permittee must inspect, on an annual basis, the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, it must be included in the report. The inspection must be done during the period of July through September of each year. The inspection report must be submitted to the Department **no later than May 1, of each year beginning in 2010**.

S13. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Guidance Manual for Preparing/Updating a Stormwater Pollution Prevention Plan for Industrial Facilities* which is published by the Department of Ecology and available on Ecology's website at http://www.ecy.wa.gov/biblio/0410030.html .

A. SWPPP Requirements

The SWPPP must incorporate, at a minimum, all of the BMPs identified in Special Condition S12. of this permit. The Permittee must implement all the elements of the SWPPP including operational, treatment and source control BMPs, as well as erosion and sediment control BMPs determined necessary. The SWPPP must contain the following elements:

a. Assessment and description of existing and potential pollutant sources.

b. A description of the operational BMPs.

c. A description of selected source-control BMPs.

d. When necessary, a description of the erosion and sediment control BMPs.

e. When necessary, a description of the treatment BMPs.

f. An implementation schedule.

The SWPPP and all of its modifications shall be signed in accordance with General Condition G1. Retain the SWPPP on-site or within reasonable access to the site.

The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.

B. Modification of the Stormwater Pollution Prevention Plan

The Permittee must review the existing SWPPP at least twice annually as described in Subsection S11.C of this permit and update the Plan as needed. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP must be modified, as appropriate. The Permittee must also modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Changes to the Plan must be sent to the Department **within 30 days of the modification**. The Plan and any supplements must be followed throughout the term of the Permit. If no modifications to the Plan have been made during this permit cycle, then the Permittee must review and update the SWPPP and submit a copy to Ecology **no later than May 1, 2012**.

C. Monitoring

The Permittee must conduct two inspections per year - one during the wet season (October 1 – April 30) and the other during the dry season (May 1 – September 30).

1. The wet season inspection must be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection must include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).

2. Personnel named in the SWPPP must conduct the dry season inspection. The dry season inspection must determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee must **immediately notify Ecology**.

D. Plan Evaluation

The Permittee must evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record must be maintained summarizing the results of inspections and include a certification, in accordance with General Condition G1, that the facility is in compliance with the plan and in compliance with this permit. The record must identify any incidents of noncompliance.

S14. BEST MANAGEMENT PRACTICES

Within 60 days of the effective date of the permit, the Permittee must implement the following applicable operational BMPs (as appropriate and not already implemented), and **within 180 days of the effective date of the permit**, the Permittee must implement the following applicable

structural BMPs (as appropriate and not already implemented). The Permittee must comply with all Applicable Operational BMPs and Applicable Structural Source Control BMPs for Wood Treatment Areas in the Department of Ecology's Stormwater Management Manual for Western Washington; Volume IV, (Source Control BMPs) page 2-67 and 2-68 (as appropriate). All appropriate BMPs to be implemented must be adopted into the facility's stormwater pollution prevention plan. Applicable requirements include:

A. Applicable Operational BMPs

- Dedicate equipment used for treatment activities to prevent the tracking of treatment chemicals to other areas of the site.
- Eliminate non-process traffic on the drip pad. Scrub down non-dedicated lift trucks on the drip pad.
- Immediately remove and properly dispose of soils with visible surface contamination to prevent the spread of chemicals to ground water and/or surface water via stormwater runoff.
- If any wood is observed to be contributing chemicals to the environment in the treated wood storage area, relocate it on a concrete chemical containment structure until the surface is clean and until it is drip free and surface dry.
- Completely top- and side-wrap all treated dimensional lumber bundles with no lumber left uncovered in the drying or storage areas until it has been so wrapped; or completely covered or otherwise completely isolated from contact from rainfall and stormwater runoff.
- Completely cover or otherwise completely isolate from contact from rainfall and stormwater runoff all other treated wood products and newly stored treated wood products. Newly stored refers to treated products that the Permittee may bring on-site for storage and/or re-sale.

  As an alternative to cover and isolation, the Permittee may store these "other wood products" (treated poles and railroad ties) in a location where stormwater drains to recycle or to Outfall 001. If stormwater drains to Outfall 001, the Permittee must operate and maintain its mixed media treatment system and meet effluent limits defined in Special Condition S1.
- Move any treated lumber that needs to be washed-down to the drip pad before spraying the wood and allow the lumber to drip dry before moving it off the drip pad.
- Install, inspect on a regular basis, and maintain in working condition catch basin inserts in all catch basins to minimize the discharge of floating and settleable pollutants.
- Recycle all stormwater from drainage basins that contain fixed process equipment.
- Maintain outdoor areas such that they are free of treated wood debris that is exposed to rainfall and stormwater runoff.
- Adopt protocols to prevent tracking of process wastewater contaminants from process areas into storage areas. Protocols must include use of boot covers for all

employees working in process areas, or similar measures, and dedicated vehicles in process areas. When vehicles, other than dedicated vehicles, must access process areas, the Permittee must decontaminate these vehicles to prevent tracking of pollutants out of the process area.

- Sweeping the facility on a regular basis to remove potential contaminated particles from the pavement.

B. Applicable Structural Source Control BMPs

- Dedicate equipment used for treatment activities to prevent the tracking of treatment chemicals to other areas of the site.
- Cover and/or enclose, and contain with impervious surfaces, all wood treatment areas. Slope and drain areas around dip tanks, spray booth, retorts, and any other process equipment in a manner that allows return of treatment chemicals to the wood treatment process.
- Cover storage areas for freshly treated wood to prevent contact of treated wood products with stormwater. Segregate clean stormwater from process water. Ensure that all process water is conveyed to an approved treatment system.
- Seal any holes or cracks in the asphalt areas that are subject to wood treatment chemical contamination.
- Elevate stored, treated wood products to prevent contact with stormwater run-on and runoff.
- Place dipped lumber over the dip tank, or on an inclined ramp for a minimum of 30 minutes to allow excess chemical to drip back to the dip tank.
- Place treated lumber from dip tanks or retorts in a covered paved storage area for at least 24-hours before placement in outside storage. Use a longer storage period during cold weather unless the temporary storage building is heated. The wood must be drip free and surface dry before it is moved outside.

S15. APPLICATION FOR PERMIT RENEWAL

The Permittee must submit an application for renewal of this permit **no later than May 1, 2012**.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

A. All applications, reports, or information submitted to Ecology must be signed and certified.

1. In the case of corporations, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. In the case of a partnership, by a general partner.
3. In the case of sole proprietorship, by the proprietor.
4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall be submitted by the public entity.

B. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to Ecology.
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section must make the following certification:

> I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.

C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.

D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the Permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:

1. Violation of any permit term or condition.

2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

3. A material change in quantity or type of waste disposal.

4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].

5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].

6. Nonpayment of fees assessed pursuant to RCW 90.48.465.

7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.

B. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:

1. A material change in the condition of the waters of the state.

2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.

3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.

4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.

6. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.

7. Incorporation of an approved local pretreatment program into a municipality's permit.

C. The following are causes for modification or alternatively revocation and reissuance:

1. Cause exists for termination for reasons listed in A1 through A7, of this section, and Ecology determines that modification or revocation and reissuance is appropriate.

2. Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

G4. REPORTING PLANNED CHANGES

The Permittee must, as soon as possible, but no later than 60 days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: (1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); (2) a significant change in the nature or an increase in quantity of pollutants discharged; or (3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least 180 days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit must be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date.

2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage,

and liability between them.

3. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G8. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G9. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G10. DUTY TO PROVIDE INFORMATION

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

G11. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G12. ADDITIONAL MONITORING

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G13. PAYMENT OF FEES

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.

G14. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof will be punished by a fine of up to ten thousand dollars ($10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs is a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit must incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars ($10,000) for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is deemed to be a separate and distinct violation.

G15. UPSET

Definition – "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: (1) an upset occurred and that the Permittee can identify the cause(s) of the upset; (2) the permitted facility was being properly operated at the time of the upset; (3) the Permittee submitted notice of the upset as required in condition S3.E; and (4) the Permittee complied with any remedial measures required under S4.C of this permit.

In any enforcement proceedings the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G16. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G17. DUTY TO COMPLY

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G18. TOXIC POLLUTANTS

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G19. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than $10,000 per violation, or by

imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment will be a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or by both.

G20. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee must give advance notice to Ecology by submission of a new application or supplement thereto at least 180 days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, must be scheduled during non-critical water quality periods and carried out in a manner approved by Ecology.

G21. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to Ecology, such facts or information must be submitted promptly.

G22. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify Ecology as soon as they know or have reason to believe:

A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. One hundred micrograms per liter (100 μg/L).

2. Two hundred micrograms per liter (200 μg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.

3. Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"

1. Five hundred micrograms per liter (500 μg/L).

2. One milligram per liter (1 mg/L) for antimony.

3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).

4. The level established by the Director in accordance with 40 CFR 122.44(f).

G23. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.